STATE PERSONNEL BOARD, STATE OF COLORADO

Case No. 2001B129

ORDER OF THE STA	TF PFRSONNFI	BOARD
------------------	--------------	-------

JOE ANN BROWN,

Complainant,

VS.

DEPARTMENT OF HIGHER EDUCATION, REGENTS OF THE UNIVERSITY OF COLORADO, UNIVERSITY OF COLORADO SYSTEM, PROCUREMENT SERVICE CENTER,

Respondent.

The State Personnel Board (the "Board") met in public session on Tuesday, May 21, 2002. During this public session, the Board considered the record on appeal, including but not limited to:

- 1. Initial Decision of the Administrative Law Judge
- 2. University's Opening Brief
- 3. Complainant-Appellee's Answer Brief
- 4. University's Reply Brief

The Board voted to adopt the findings of fact in the Initial Decision of the Administrative Law Judge ("ALJ") but to reverse the ALJ on his first conclusion of law. Noting that there was adequate evidence to support the termination of Complainant, the Board voted that Respondent's action of terminating Complainant's employment was not arbitrary, capricious or contrary to rule or law, and reinstated Respondent's termination action.

This order represents the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Daly was absent.

Dated this _____day of May, 2002.

Joyce Lottner
Acting Board Chair
State Personnel Board
1120 Lincoln St., Suite 1420
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

- 1. To abide by this decision of the State Personnel Board; or
- 2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2001), as provided in Section 24-50-125.4(3), C.R.S. (2001).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____day of May, 2002, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD in the United States mail, postage prepaid, addressed as follows:

Federico C. Alvarez, Esq. Edwin S. Kahn, Esq. Kelly, Haglund, Garnsey & Kahn, LLC 1441 – 18th Street, Suite 300 Denver, CO 80202-1255

L. Louise Romero
Managing Senior Associate University Counsel
Office of University Counsel
University of Colorado at Boulder
203 Regent Administrative Center
13 UCB
Boulder, CO 80309-0013